



Lamoine Board of Selectmen

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Minutes of March 19, 2009

Chair Jo Cooper called the meeting to order at 7:02 PM

Present were: Selectmen Brett Jones, Richard Fennelly Jr., Cynthia Donaldson, Kermit Theall, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Jay, Jane, Perry, Heather, Ross & Olivia Fowler, Kathleen DeFusco, John Holt, Michael Jordan, Gary McFarland, Peter McDevitt, Michael Garrett, James Gallagher, Gordon Donaldson, Rich Brey, Carlton Johnson (& Boris), Chris Tadema-Wielandt and Kerry Galeaz

The meeting was televised on Cable TV Channel 7 and recorded.

Agenda Review – Jo said she had one additional item to discuss under public discussion. She asked that one item be taken out of order, after which Selectmen signed a resolve naming Jay Fowler the 2008 Citizen of the Year. Jo presented the resolve to Mr. Fowler, reading it aloud and publicly thanking him for all that he's done for the town, not only in 2008 but for many, many years. She noted the plan was to present a plaque at town meeting, but Mr. Fowler was not going to be able to attend the town meeting.

Minutes – Cynthia moved to approve the minutes of March 2, 2009 (special joint meeting with school committee) with minor corrections. Kermit 2nd. **Vote in favor was 5-0.**

Richard noted some minor corrections for the minutes of March 5, 2009, and Jo asked to clarify the Historical Society section. Kermit moved to approve with the changes. Richard 2nd. **Vote in favor was 5-0.**

Warrant 20- Selectmen signed expenditure warrant 20 for \$60,361.18. Stu noted that a check to Maine Municipal Association to pay for the overpayment by the insurance company on the fire truck bumper was included on the warrant.

Cash & Budget Report – There were no questions about the written report

Excise Tax Analysis – Jo explained to the audience that the report was attempting to get an idea on how excise tax collections would be impacted by the economy this year. Cynthia said she wanted to clarify that a double negative referred to in the report really means that Stu did not expect to meet the excise tax collections goal this year. She said the Selectmen did not need any surprises.

Brett noted the other problem with excise tax is the referendum that is likely to be voted on in November, as it could drastically cut into excise tax collections. He asked if Stu had prepared any analysis of that. Stu said he would try to do so in the next few weeks. He said he'd been trying to think of a way that could provide some meaningful projections.

School-Fire House Lot Delineation/Meeting with Planning Board – Jo said the Selectmen had not tried to side step communications with the Planning Board on the matter. She said the whole school/RSU process has been hectic. Brett said he asked that the Planning Board be included in the delineation but the Selectmen decided not to include them. Jo said she didn't recall that decision being made, but did recall the discussion. A brief discussion followed.

Jo said the Selectmen would like to move forward and do this the right way. Planning Board Chair Gordon Donaldson said the sketch was left at their last meeting and that was the first the Planning Board knew about it. He said the Planning Board request was to complete the site map. He said the proposal appears to create a non-conforming lot. Jo said the Selectmen know a plan has to go before town meeting. She said last year's town meeting didn't feel comfortable without a specific plan. Mr. Donaldson asked if the idea was to show a specific dimension layout or to ask for an approval in concept. Brett answered that a conceptual approval was shown a year ago. A discussion followed on to whom the lot would be conveyed.

Mr. Donaldson says the issue is whether the conveyance creates a non-conforming lot; the Planning Board feels they ought to review that, as it's the Planning Board's responsibility. Jo asked what would happen after that. Planning Board member John Holt said the Selectmen would then make an appeal to the Board of Appeals who could grant a variance. He said there is not a concern of anybody to impede the plan, but any other person in town who tried to sell a piece of their property to create a non-conforming lot would have to follow the ordinances. He laid out the process of getting town meeting approval, going to the planning board, the planning board denying, and the town filing for a variance.

Jo asked if there was time to do that before town meeting. Mr. Holt said authorization is needed first, then the process would start. Planning Board member Chris Tadema-Wielandt said he wasn't sure the town meeting is required to approve the conveyance to the RSU. Brett said what's being taken to town meeting is permission to separate the two lots. Mr. Tadema-Wielandt said his question is whether the town could lease the school to the RSU. Brett said he believes state law requires the property to be turned over to the RSU. Mr. Donaldson said only if we agree. Stu said the town agreed in December as part of the RSU plan. A short discussion followed while Stu looked up the section in the RSU agreement.

Mr. Holt said he would like to see the fire department get more land, including land under the temporary classroom. He said he did up a sketch, and there is a lot of land behind the fire station that could be reserved for the fire department. Stu found the language in the RSU plan and read the pertinent section aloud. Brett said if too much land is cut from the school lot, it could threaten the future of the school. Mr. Tadema-Wielandt said it might be possible to negotiate with the RSU for a larger lot. Brett said they did talk about that, and he believes there was general, vague language in the RSU creation process. Cynthia said the Regional Planning Committee (RPC) agreed to let the town designate the land needed for the fire station, in general. Richard asked how close the

property line could be to the end of the school. There was a discussion about running a particular line under the portable classroom with an easement.

Mr. Tadema-Wielandt asked if there had been any communication with the RSU. Richard said the RSU is formed, but there has been no specific communication yet. Brett said the Selectmen could redraft the plan and present something different to town meeting. Mr. Donaldson said if a plan could be presented to the Town Meeting, the Planning Board could consider it at the April 14th meeting. Brett said even redrawing the lines would create a non-conforming lot because of the building setbacks. He said a 1-acre lot would encroach on the playground behind the fire station.

Mr. Holt says everyone wants this to happen, and creation of a non-conforming lot needs to be made to the fire department's advantage. Brett said he thought about just making this a legal agreement with the RSU that this is the section to be used for the fire station. A short discussion followed on what the mechanism there might be to transfer the property to the RSU and what restrictions there might be on the various deeds that make up the school lot.

Jo asked how specific the plan that goes to town meeting has to be. Brett said he thinks we should present exactly what is proposed, and that it should be reviewed before a final plan goes to the town meeting. Mr. Donaldson said his biggest concern from a Planning Board standpoint is whether there are safety issues about the fire department being that close to the school. It was noted the fire station has been very close to the school for many decades.

Richard asked if we could check on what the transfer mechanism would be. Stu said he would ask Superintendent Webster. Brett said he would check with the parties involved over the next week or so. Jo asked that Mr. Holt be part of that. Mr. Holt said he would if asked. Cynthia asked whether Steve Salsbury has to draw something more specific for town meeting. A discussion followed on what the Planning Board needs on the plan.

Report from Board of Assessors – Assessing Board chair Jane Fowler said the State Board of Property Tax Review sent two petitions in regard to tree growth penalties to the town. She said the Board of Assessors have answered the petitions and put that answer in the mail, and that's all she can tell at this point. Stu asked if there has been a date set for a hearing before the state board. Mrs. Fowler said she didn't know if there would be a hearing.

Returnables Program – Selectmen discussed whether the application by Downeast Horizons satisfied the program requirement of having some sort of affiliation with the town. It was determined that they did not, and the Board asked Stu to write to them and invite them to resubmit if and when they do. The Board said Downeast Horizons could also directly ask Lamoine Redemption for designated donations if they wish.

Parks Commission Chair Kerry Galeaz asked for a further explanation of the program, which the Selectmen provided. There was a brief discussion about recycling returnables at the town park.

Selectmen reviewed the applications received and made the following monthly returnable receipt designations:

Month	Organization
March	Veterans Memorial Committee
April	Lamoine School 8 th Grade Class
May	Special Children's' Friends
June	Frenchman Bay Riders Snowmobile Club
July	Lamoine Cheering
August	Lamoine PATRONS
September	Cub Scout Pack #88
October	Lamoine Parks Commission

Draft Memorandum of Understanding – Cynthia asked that the processing fee by the redemption center be spelled out in the memorandum. Richard said he would like to have all the Selectmen sign the understanding if possible. Stu said he would contact Stacey Curtis to see where he stands on the proposal.

Local School Advisory Committee – Stu reported he met with Union 92 Superintendent Omar Norton earlier in the day, and Mr. Norton did not have any changes to propose. Richard said he had one correction, changing the word “if” to “is”. Cynthia said she had a number of concerns and proposed changes to the purpose section, the posting of meeting agendas section, the budget development section (adding specific programs for the Lamoine School if the RSU opts not to fund), the definition of budget, and the absence with excuse section.

Lamoine Beach Boat Ramp – Brett asked about the reference to Lamoine State Park in a response from state engineer George Powell. Richard provided the historic background on a project proposed by the state park that did not meet with local approval.

Richard said he understands why the state is not keen on the idea of redoing the ramp at Lamoine Beach. Brett said removing what is there would be great. A short discussion followed.

Parks Commission chair Kerry Galeaz said the parks commissioners felt this would be a town project for the future and they might start talking about it in the fall. He said the question was whether the town wants to provide deep water access to its citizens. Richard asked if that meant without a launching fee. There was a lengthy discussion about the ramp and fees at the state park area, and how to facilitate a ramp with both interests in mind.

Richard said it never hurts to talk about it, and there are several stakeholders, including commercial fishermen. There was a lengthy discussion about waving the fee for town residents to use the state park.

Mr. Galeaz asked if the town wanted no-cost access to the water. Richard said he would love it, but most access points are privately owned. He said there is a challenge to get deep water access. Discussions followed about the land conservation fund, talking with the state, and having a site solely owned by the town.

Selectmen asked Stu to research who owns the ramp planks at Lamoine Beach.

General Assistance Ordinance Change – Stu explained that the federal economic recovery plan includes a change in food stamp eligibility levels, and the state has asked that the General Assistance Ordinance be changed to reflect those levels. Jo moved to update the ordinance as per the 2/25 memorandum from the State Department of Health & Human Services. Cynthia 2nd. **Vote in favor was 4-1 (Fennelly opposed).** Selectmen signed the ordinance update form.

Lamoine Quarterly – Selectmen briefly reviewed the draft of the quarterly. They asked that the fire department lot delineation picture be removed as it could prove confusing. Stu said he hoped to finish it up next week and have it ready to print around April 1st in time for Town Meeting, and would distribute it for review next weekend.

Health Inspection – Stu reported that upon request of the estate that owns a mobile home on Needles Eye Road, the Health Officer, Code Enforcement Officer and he inspected the home and determined that extensive repairs were needed to make it inhabitable.

Request of Bangor Hydro to operate on posted roads – Brett moved to approve the request. Kermit 2nd. **Vote in favor was 5-0.** Selectmen signed the request.

Other – Mr. Galeaz said he wanted to discuss the boat ramp issue at Lamoine Beach more, and would like to see something start happening. The previous discussion was revisited. A discussion followed on how to get the ball rolling.

Mr. Galeaz said the Parks Commission discussed installing a street light at Bloomfield Park to deter vandalism problems at the park. He said since the road configuration changed there doesn't seem to be as many issues. Richard said light could encourage more improper activity at the park after hours. Jo expressed concern about light pollution. Stu said when the north side of the town hall was accessible for parking, the street light there was more of a target for gun fire. There was a lengthy discussion about crime prevention at the park and in town in general.

Jo said she wondered if there was a job description for the Chair of the Board of Selectmen. She said there are 5 people on the board and they all work equally hard. She asked about having the compensation the same for all five board members. Stu said that would be up to town meeting. Jo asked that the matter be on the agenda for the next meeting.

Cynthia asked that the draft e-mail retention policy be on the next agenda. Stu noted that County Ambulance will attend the next meeting.

Cynthia noted that she will not be able to attend the April 16th meeting. She said she would ask Jesse Salisbury to do a brief presentation on the sculpture project at the May 7th meeting.

There being no further business, the meeting adjourned at 9:10 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.

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